

AMENDED IN SENATE JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY MARCH 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1675

Introduced by Assembly Member Hagman
(Coauthors: Assembly Members DeVore, Gilmore, Jones, Smyth,
and Solorio)

January 21, 2010

An act to *amend Section 19.8 of, and to add Section 602.13 to, the Penal Code, relating to trespassing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, as amended, Hagman. Trespassing: animal enclosures at ~~zoos~~ *zoos, circuses, and traveling animal exhibits.*

Under existing law, every person who willfully enters and occupies real property without the consent of the owner, owner's agent, or person in lawful possession, is guilty of a misdemeanor.

This bill would, with exemptions for employees and public officers, make it an infraction or a misdemeanor to enter an animal enclosure at a zoo, defined to include a public aquarium, *or at a circus or traveling animal exhibit*, without the consent of the ~~zoo's~~ governing authority *of the zoo, circus, or traveling animal exhibit*, or a representative of that governing authority. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 19.8 of the Penal Code is amended to*
2 *read:*

3 19.8. The following offenses are subject to subdivision (d) of
4 Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13,
5 652, and 853.7 of this code; subdivision (n) of Section 602 of this
6 code; subdivision (b) of Section 25658 and Sections 21672,
7 25658.5, 25661, and 25662 of the Business and Professions Code;
8 Section 27204 of the Government Code; subdivision (c) of Section
9 23109 and Sections 12500, 14601.1, 27150.1, 40508, and 42005
10 of the Vehicle Code, and any other offense which the Legislature
11 makes subject to subdivision (d) of Section 17. Except where a
12 lesser maximum fine is expressly provided for a violation of any
13 of those sections, any violation which is an infraction is punishable
14 by a fine not exceeding two hundred fifty dollars (\$250).

15 Except for the violations enumerated in subdivision (d) of Section
16 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle
17 Code based upon failure to appear, a conviction for any offense
18 made an infraction under subdivision (d) of Section 17 is not
19 grounds for the suspension, revocation, or denial of any license,
20 or for the revocation of probation or parole of the person convicted.

21 ~~SECTION 1.~~

22 *SEC. 2. Section 602.13 is added to the Penal Code, to read:*

23 602.13. (a) Every person, ~~other than an employee of the zoo~~
24 ~~acting within the course of his or her employment, or a public~~
25 ~~officer acting within the course and scope of his or her employment~~
26 ~~in performance of a duty imposed by law,~~ who enters into an
27 animal enclosure at a zoo, ~~where circus, or traveling animal~~
28 ~~exhibit, if the zoo, circus, or exhibit is licensed or permitted to~~
29 ~~display living animals to the public, and if signs prohibiting~~
30 entrance into the zoo's animal enclosures have been posted either
31 at the zoo's entrance ~~to the zoo, circus, or traveling animal exhibit,~~
32 or on the animal enclosure itself, without the consent of the zoo's
33 governing authority ~~of the zoo, circus, or traveling animal exhibit,~~

1 or a representative of the zoo authorized by the zoo's governing
2 authority, is guilty of an infraction or a misdemeanor, *subject to*
3 *Section 19.8. This subdivision shall not apply to an employee of*
4 *the zoo, circus, or traveling animal exhibit, or to a public officer*
5 *acting within the course and scope of his or her employment.*

6 (b) For purposes of this section, "zoo" means a permanent or
7 semipermanent collection of living animals kept in enclosures for
8 the purpose of displaying the animals to the public. The term "zoo"
9 includes a public aquarium displaying aquatic animals.

10 (c) For purposes of this section, an "animal enclosure" ~~includes,~~
11 ~~but is not limited to, an aquarium or tank used to house or display~~
12 ~~aquatic animals.~~ *means the interior of any cage, stall, container,*
13 *pen, aquarium or tank, or other discrete containment area that is*
14 *used to house or display an animal and that is not generally*
15 *accessible to the public.*

16 (d) Prosecution under this section does not preclude prosecution
17 under any other provision of law.

18 ~~SEC. 2.~~

19 *SEC. 3.* No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.